

6

original

## COMPLAINT BY A PRISONER UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983

Name: HUSTEN JOHN DOUGLAS  
 (Last) (First) (Middle)

Prisoner Number: 725250

Institutional Address: SAW - QUENTIN PRISON  
100 MAN - ST / SAW - QUENTIN - CA

FILED  
 NOV 14 2014  
 RICHARD W. WILKINSON  
 CLERK  
 U.S. DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

JOHN D. HUSTEN  
 (Enter your full name.)

vs.

MIKE SOKOLOFF, INDIVIDUALLY  
M. HUTALA, INDIVIDUALLY

(Enter the full name(s) of the defendant(s) in this action.)

CV 14 5031

Case No. 14 5031  
 (Leave blank; to be provided by Clerk of Court)

COMPLAINT UNDER THE  
 CIVIL RIGHTS ACT,  
 42 U.S.C. § 1983

JST

## I. Exhaustion of Administrative Remedies.

*Note: You must exhaust available administrative remedies before your claim can go forward. The court will dismiss any unexhausted claims.*

A. Place of present confinement SAW - QUENTIN PRISON

B. Is there a grievance procedure in this institution? YES ☒ NO ☐

C. If so, did you present the facts in your complaint for review through the grievance procedure? YES ☒ NO ☐

D. If your answer is YES, list the appeal number and the date and result of the appeal at each level of review. If you did not pursue any available level of appeal, explain why.

1. Informal appeal: BY PASS

SEE ATTACHING EXHIBIT A + B

2. First formal level: By PASS

3. Second formal level: SR HC 1203734 / MED. W1 - Exhibit B)

Submitting 11-20-2012, DENIED 1-9-2013

12-03791 - 1-9-2013 - GRANTED IN QARD (Exhibit A)

4. Third formal level: Submitting 1-10-13 / DENIED 7-24-13 - Exhibit C

12-03791 - DENIED SEP-03-2013 (Exhibit A)

E. Is the last level to which you appealed the highest level of appeal available to you?

YES ☒ NO ☐

F. If you did not present your claim for review through the grievance procedure, explain why.

N/A

## II. Parties.

A. Write your name and present address. Do the same for additional plaintiffs, if any.

JOHN D. HUSTEN

100 MAIN ST. / SAN-QUENTIN PRISON

SAN-QUENTIN - CA 94974

B. For each defendant, provide full name, official position and place of employment.

MIKE SOKOLOFF, ~~SR~~ REGISTERED NURSE, EMPLOYED  
(AT) SAN-QUENTIN PRISON

M. HUTAILA, CONNECTIONAL OFFICER, EMPLOYED  
(AT) SAN-QUENTIN PRISON

1 **III. Statement of Claim.**

2 State briefly the facts of your case. Be sure to describe how each defendant is involved and  
 3 to include dates, when possible. Do not give any legal arguments or cite any cases or statutes. If  
 you have more than one claim, each claim should be set forth in a separate numbered paragraph.

4 (SEE ATTACHED)

16 **IV. Relief.**

17 Your complaint must include a request for specific relief. State briefly exactly what you  
 18 want the court to do for you. Do not make legal arguments and do not cite any cases or statutes.

19 ATTACHED

24 **I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.**

25 Signed this 3 day of NOVEMBER, 2014

26   
 27 (Plaintiff's signature)

28 *Please continue to the next page.*

**MAGISTRATE JUDGE JURISDICTION**

Please indicate below by checking **one** of the two boxes whether you choose to consent or decline to consent to magistrate judge jurisdiction in this matter. Sign this form below your selection.

☐ **Consent to Magistrate Judge Jurisdiction**


In accordance with the provisions of 28 U.S.C. § 636(c), I voluntarily **consent** to have a United States magistrate judge conduct all further proceedings in this case, including trial and entry of final judgment.

**OR**

☒ **Decline Magistrate Judge Jurisdiction**

In accordance with the provisions of 28 U.S.C. § 636(c), I **decline** to have a United States magistrate judge conduct all further proceedings in this case, including trial and entry of final judgment.

Signed this 3 day of NOV - , 2014

  
(Plaintiff's signature)

## Jurisdiction & Venue

This is a civil action authorized by 42 U.S.C. Section 1983 to redress the deprivation, under color of state law of Rights Secured by the Constitution of the United States.

The Court has Jurisdiction under 28 U.S.C. Section 1331 and 1343 (a)(3) Plaintiff seeks Declaratory Relief pursuant to 28 U.S.C. Section 2201 and 2202.

The U.S. District Court, Northern District is an appropriate venue under 28 U.S.C. Section 1391 b(2) because it is where the events giving rise to this claim occurred.

### Plaintiff

\* Plaintiff, John Douglas Hunter, is and was at all times mentioned herein a prisoner of the State of California in the custody of the California Dept of Corrections. He is currently confined in San-Quentin Prison in San-Quentin - California.

111

## STATEMENT OF CLAIM

AND/OR FACTS:

=

I)

ON ABOUT 11-19-2012, I WAS BEING TRANSFERRED FROM SOLANO STATE PRISON (TO) SAN-QUENTIN. WHILE IN SAN-QUENTIN INTAKE FACILITY LOCATION IN THE MEDICAL SCREENING DEPT, I WAS ESCORTED BY CORRECTIONAL OFFICER M. HUTALLA TO A OFFICE (OR) ROOM IN WHICH REGISTRATION NURSE MALE NAME MIKE SOKOLOFF WAS WAITING, TO INTERVIEW ME AND GIVE ME MY PRESCRIBED MEDICATION.

II)

AS HE BEGAN THE INTERVIEW C/O M. HUTALLA LEFT THE ROOM, BUT SAT OUTSIDE THE DOORWAY. DURING THE INTERVIEW THE (R.N.) MIKE SOKOLOFF PRODUCED A BAG OF MEDICATION THAT HE SAID WAS FOR ME, AND TOOK 3 CAPSULE OUT OF THE BAG, WHICH WAS MY DILANTIN FOR SEIZURES PLACING THEM IN A CUP ON HIS DESK NEAR ME FOR ME TO TAKE, WHICH I ~~SAID~~ TOLD HIM THAT I WILL ONLY TAKE MY DILANTIN, BUT NOT THE OTHER MEDICATION HE HAD, AS I WAS WAITING FOR SOME WATCH TO TAKE MY DILANTIN THAT SAT ON THE CORNER OF THE DESK BEFORE ME. HE THEN SAID THAT I HAVE TO TAKE ALL THE MEDICATION HAD IN HIS HAND (OR)

CONTINUED -

1 NONE OF IT, I RESPONDED BY SAYING  
 2 I'M GONNA TAKE MY SEIZURE MEDICATION  
 3 ANY THATS IT. WHICH I TOOK THE CAP  
 4 OFF THE TABLE WHICH MY MEDICATION  
 5 WAS IN, AND PLACED FOR ME TO TAKE.  
 6 AS I ATTEMPTED TO PUT THEM IN MY  
 7 MOUTH, MIKE THE (R.D.) JUMP UP AND  
 8 STARTED TO CHOKER ME TRYING TO PRE-  
 9 VENT ME FROM SWOLLING MY PILLS  
 10 WHILE I WAS SITTING DOWN.

11 (III)  
 12 THEN C/O HUTTALA RAN INTO THE ROOM  
 13 MIKE STEPS BACK AS HUTTALA TOLD THE  
 14 SAME THING AND THEN TOLD TO ~~THE~~  
 15 PAY MY HANDS OPEN, IN SEARCH OF MY  
 16 MEDS, WHICH I ALREADY SWOLLEN.  
 17

18 A HOUR (OR) TWO LATER I'M TAKEN TO  
 19 ISOLATION (OR) WHAT THE PRISON CALLS THE  
 20 HOLE, AND FALSELY ACCUSED OF ASSAULT  
 21 ON A POLICE OFFICER, WHEN THEY JOINTLY  
 22 ASSAULTED ME, CAUSE INJURY TO MY  
 23 KNEE AND LOWER BACK. DURING THIS  
 24 ASSAULT ON MY PERSON, <sup>which</sup> ~~my~~ <sup>(also)</sup> HAS CAUSED  
 25 MENTAL AND PSYCHOLOGICAL DAMAGE, FROM  
 26 THIS INCIDENT WHICH I REMAINED IN THE  
 27 WHOLE FOR ABOUT 5 (OR) 6 MONTHS, UNTIL  
 28 THE WARDEN DEMANDED MY RELEASE.

## DEFENDANTS

DEFENDANT M. HULTALLA IS A CORRECTIONAL OFFICER OF THE CALIFORNIA DEPARTMENT OF CORRECTIONS, WHO, AT ALL TIMES MENTIONED IN THIS COMPLAINT HELD THE RANK OF GUARD, AND WAS ASSIGNED TO SAN - QUENTIN PRISON.

DEFENDANT MIKE (OR) MICHAEL SOKOLOFF IS A REGISTERED NURSE OF THE CALIFORNIA DEPT OF CORRECTIONS WHO AT ALL TIMES MENTIONED IN THIS COMPLAINT, HELD THE POSITION OF (R.N.) AND WAS ASSIGNED TO SAN - QUENTIN PRISON.

EACH DEFENDANT IS SUED INDIVIDUALLY AND ~~IN THIS~~ AND AT ALL TIMES MENTIONED IN ~~THIS~~ THIS COMPLAINT EACH DEFENDANT ACTED UNDER THE COLOR OF STATE LAW.

## EXHAUSTION OF LEGAL REMEDIES

PLAINTIFF JOHN D. HUNTER, USED THE PRISONER GRIEVANCE PROCEDURE AT SAN - QUENTIN TO TRY TO RESOLVE THE PROBLEM ON 11-25-2012 PLAINTIFF WAS SENT A RESPONSE SAYING THE GRIEVANCE HAD BEEN DENIED (SEE EXHIBIT A) THEN ON \_\_\_\_\_ PLAINTIFF APPEALED THAT DENIAL OF THE GRIEVANCE TO THE THING (OR) DIRECTOR'S FINAL LEVEL, WHICH WAS ALSO DENIED.



# LEGAL CLAIMS

Plaintiff Realizes Any Incorporate By  
Paragraph, I, II, III.

1.) Defendant M. Huttala, used of excessive  
force violates plaintiff's rights, and con-  
stitutes cruel and unusual punishment  
under the 8th Amendment of the U.S.  
Constitution.

2.) Defendant Mike Sokoloff also use  
of excessive force violates plaintiff  
rights and constitutes, cruel and unusual  
punishment

3. Defendant Mike Sokoloff Deliberate  
Indifference to plaintiff serious medical  
needs. Violates plaintiff rights and  
constitutes cruel and unusual punishment  
under the 8th Amendment, and Denial  
of Due Process and Equal Protection  
under the 14th Amendment

The plaintiff has no plain, adequate (or)  
complete remedy at law to redress the  
wrong described here in.

Plaintiff seeks declaratory relief  
pursuant to 28 U.S.C. Section 2201  
and 2202

28  
27  
26  
25  
24  
23  
22  
21  
20  
19  
18  
17  
16  
15  
14  
13  
12  
11  
10  
9  
8  
7  
6  
5  
4  
3  
2  
1

Prayer for Relief

Wherefore, Plaintiff respectfully prays that this court enter judgment granting Plaintiff:

A.) A Declaration that the act and omissions described herein violate Plaintiff's rights under the constitution and laws of the United States.

B.) Compensatory Damages in the amount of \$250,000 against each Defendant jointly and severally.

C.) Punitive Damages in the amount of \$200,000 against each Defendant.

D.) A Jury Trial of all issues triable by Jury.

E.) Plaintiff's cost in this suit

F.) Any additional relief this court deems just, proper, and equitable.

DATED: 11-03-2014

Respectfully Submitted, By

John D. Hunter  
Pro-Pon  
Plaintiff

John D. Hunter  
100 Main St  
San Francisco, CA  
94104

Verification

I HAVE READ THE FOREGOING COMPLAINT  
AND HEREBY VERIFY THAT THE MATTERS  
ALLEGED THEREIN ARE TRUE, EXCEPT  
AS TO MATTERS ALLEGED OR INFORMATION  
ANY BELIEF, AND AS TO THOSE, I BELIEVE  
THEM TO BE TRUE. I CERTIFY UNDER  
PENALTY OF PERJURY THAT THE FOREGOING  
IS TRUE AND CORRECT.

EXECUTED AT SAN-QUENTIN, CALIFORNIA  
ON NOVEMBER 3RD - 2014

John D. Hunter

John D. Hunter  
PLAINTIFF (EX PRO-PTEN)

CLOCK,

I've enclosed a S.A.S.C to mail my confirm copy  
Stamp with a DATE filed, Very important  
Being I'm close to the deadline for filing  
A CASE number would be GREAT too!

(Also) If the summons I'm using aren't the  
court's choice, please send me what-ever I  
need OK! Cause in prison were very limiting.  
Anyway THANKS for your assistance :)

11-04-2014

Jan Hunter  
125250  
JAW - Quotation

(P.S.)

(Also) The certification of funds from my  
prison account, which is @, should be  
enclosed, I sent all this paper-work to  
our prison Trust office for certification  
which they don't like doing, and when they  
do it, usually the local work is delayed  
in mailing, that's why it's so important to get  
a confirmation on the date you receive it  
OK! I mailed it to them on 11-04-2014  
(see attached inmate request)

SUM-100

# SUMMONS (CITACION JUDICIAL)

FOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)

NOTICE TO DEFENDANT:  
(AVISO AL DEMANDADO):

MIKE SOKOLOFF  
R.N./CA MTA  
INDIVIDUALLY.

M. HUTALLA  
CONNECTIONAL OFFICER  
INDIVIDUALLY.

YOU ARE BEING SUED BY PLAINTIFF:

(LO ESTÁ DEMANDANDO EL DEMANDANTE):

JOHN S. HUNTER

**NOTICE!** You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:  
(El nombre y dirección de la corte es):

U.S. DISTRICT COURT  
NORTHERN DISTRICT  
450 GOLDEN GATE AVE.  
SAN FRANCISCO - CA 94102-3483

CASE NUMBER:  
(Número del Caso):

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

JOHN HUNTER - T25250  
100 MAIN ST. / SAN - GUSTAVO  
CA - 94974

DATE:  
(Fecha)

Clerk, by  
(Secretario)

, Deputy  
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

[SEAL]

**NOTICE TO THE PERSON SERVED:** You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):
3. ☐ on behalf of (specify):
 

under: <input type="checkbox"/> CCP 416.10 (corporation)	<input type="checkbox"/> CCP 416.60 (minor)
<input type="checkbox"/> CCP 416.20 (defunct corporation)	<input type="checkbox"/> CCP 416.70 (conservatee)
<input type="checkbox"/> CCP 416.40 (association or partnership)	<input type="checkbox"/> CCP 416.90 (authorized person)
<input type="checkbox"/> other (specify):	
4. ☐ by personal delivery on (date):

SUM-100

# SUMMONS (CITACION JUDICIAL)

FOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)

## NOTICE TO DEFENDANT:

(AVISO AL DEMANDADO):

MIKE SOKOLOFF  
R.J. (EN) MTA

Individually

M. HUTALLA  
Connecticut official  
Individually.

YOU ARE BEING SUED BY PLAINTIFF:

(LO ESTÁ DEMANDANDO EL DEMANDANTE):

John D. Hunter

**NOTICE!** You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:

(El nombre y dirección de la corte es):

U.S. District Court  
Northern District  
450 Golden Gate Ave.  
San Francisco, CA 94102-3483CASE NUMBER:  
(Número del Caso):

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

John D. Hunter - T25250  
100 Main St / San Quentin - CA  
94974

DATE:

(Fecha)

Clerk, by

(Secretario)

Deputy

(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

[SEAL]

## NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.  
2. ☐ as the person sued under the fictitious name of (specify):

3. ☐ on behalf of (specify):

under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)  
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)  
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)  
☐ other (specify):

4. ☐ by personal delivery on (date):